

## **EXHIBIT I**

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Supreme Judicial Court  
No. 3496

COMMONWEALTH

V.

KENNETH WATERS

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:  
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:  
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AFFIDAVIT OF ROSANNA C. PERRY

I, Rosanna C. Perry of Providence, Rhode Island, on  
oath depose and say:

1. I have read the transcript of my statement made to  
Herbert DeSimone, Jr. and Douglas DeSimone, said statement  
having been made on July 15, 1983, at the office of attorney  
Herbert DeSimone, Jr. at 49 Weybosset Street, Providence,  
Rhode Island. The said statement in its entirety is annexed  
hereto and made a part hereof.

2. All of the facts stated by me in my said statement  
are true and accurate.

3. The said statement was and this affidavit is being  
made by me freely and voluntarily and without coercion.

4. This affidavit is made by me under the penalties of  
perjury this 15th day of August, 1984.

Rosanna C. Perry

DESIMONE  
&  
DEL SESTO  
LAW CORPORATION

BAW00367

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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QUESTIONING OF ROSANNA PERRY

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BY HERBERT F. DeSIMONE, JR., ESQ.

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1 MR. DESIMONE. Rosanne, my name is  
2 Herbert DeSimone, Jr. and as I have just explained to you  
3 I am an attorney and I have been retained by the Waters'  
4 family to look into the appeal of their son, Kenneth.  
5 Seated with me in the room is my brother Douglas Desimone,  
6 he's just finished his second year of Suffolk Law School  
7 and is working as a paralegal in the office this summer.  
8 I'd like to ask you a few questions, relative to Kenneth  
9 Waters and relative to the murder of Kapharina Brow  
10 in 1980, would you like to answer these questions for me?

11 MRS. PERRY. Yes.

12 EXAMINATION BY MR. DESIMONE

13 Q. Could you spell your full name please?

14 MRS. PERRY. Spell it out?

15 MR. DESIMONE. Yes, your first name  
16 and your last name, then give me your middle initial.

17 A. R-o-s-a-n-n-a P-e-r-r-y and my middle initial is C.

18 Q. And how old are you?

19 A. I'll be 30 -- well <sup>32</sup> 31 in August.

20 Q. Can you give me your date of birth?

21 A. August 13, 1952.

22 Q. Okay, and where do you presently reside?

23 A. 15 Fairfield Avenue, Providence.

24 Q. Okay, and is Perry your maiden name?



1 A. Not really steadily, me and him we really hung together.

2 Q. And when did you stop dating or hanging together, you said  
3 it was a six month period?

4 A. Um, figure during the winter months.

5 Q. Winter months, would that be the winter months of December of  
6 1980, or did it go into 1981?

7 A. It went into '81.

8 Q. Okay, did it go past January of '81.

9 A. I really can't recall.

10 Q. And did you ever live together with him?

11 A. No.

12 Q. Were you seeing other people during this period, that you  
13 were also seeing him; the six-month period I'm referring  
14 to now?

15 A. No, cause I had just broken up with my ex-boyfriend.

16 Q. Now you said that after you stopped seeing each other or  
17 hanging out together for that six-month period, you saw him  
18 later?

19 A. Yeah.

20 Q. When did -- after break -- did you break up after six  
21 months -- was it a break up?

22 A. No, Basically ...

23 Q. How did the relationship end?

24 A. Basically the relationship was we were really tight.

1 Q. And?

2 A. You know, and we used to get drunk together, all the time,  
3 we used to party all the time together.

4 Q. And how did this relationship come to an end after six  
5 months?

6 A. It just came to an end.

7 Q. Gradually?

8 A. Yeah.

9 Q. Did you see less and less of each other towards the end?

10 A. Oh wait a minute, that's right he got arrested, he got  
11 arrested that's right, yeah.

12 Q. When did he get arrested?

13 A. Um, it was in the winter months, that's right the win-  
14 ter months, December.

15 Q. Of 1980?

16 A. Yeah, I think it was of 1980.

17 Q. By whom?

18 A. The Providence Police arrested him.

19 Q. Do you recall what it was for?

20 A. Yeah, my girlfriend.

21 Q. Your girlfriend. And what's her name?

22 A. Her name is Linda Tench (Phonetic)

23 Q. And what was he arrested for, if you know?

24 A. Assaulting her.

WILLIAM J. BOWEN

1 Q. And what happened, was he brought to trial?

2 A. I don't -- I have no idea, I thought he was, I have  
3 no idea.

4 Q. You don't know what the disposition of that case was.  
5 Okay, now after he was arrested did you see her, did you  
6 continue to see him?

7 A. No I didn't see him after that.

8 Q. So the last time you saw him was December of '80?

9 A. No then I seen him when he came home and I was going  
10 out with his brother, Jackie.

11 Q. And when did he come home?

12 A. Oh wow, when was it, years, years, '82. I think it  
13 was in '82.

14 Q. When in '82?

15 A. It was in the summer.

16 Q. In the summer of '82?

17 A. Yeah, I believe so.

18 Q. Do you recall what part of the summer?

19 A. Um, Let me see this happened in -- um, I'm going by this,  
20 I think this happened in June -- no it had to be later,  
21 July maybe, I seen him again.

22 Q. July of '82?

23 A. Yeah, I believe it was.

24 Q. Now, you said he came home, had he gone some place, to your



1 knowledge?

2 A. Well I thought he was in prison.

3 Q. You don't know where he was during that interval, then?

4 A. No.

5 Q. Between December of '80 and July of '82?

6 A. Right, but then he said he was in New Hampshire.

7 Q. He said he was in New Hampshire during that time period?

8 A. Yeah, but I went with his brother Jackie to pick some  
9 stuff from the prison up of his or something.

10 Q. What prison?

11 A. The ACI. Cause I remember I had a doctor's appointment  
12 that day.

13 Q. And when was that, that you went to go pick up some stuff  
14 at the prison?

15 A. It was in that month, I'd have to --

16 Q. Okay, when did you start going out with Jackie?

17 A. Jackie, July, okay it was in July.

18 Q. Of '82 or '81, do you recall?

19 A. It was on a July 4, was it '81, oh God.

20 MR. DESIMONE. Well '82 was last  
21 summer.

22 MRS. PERRY. Okay, it was '81.

23 MR. DESIMONE. So it was two years  
24 ago, roughly two years ago from today.

1 Q. Now you testified at the trial of Kenneth Waters, did you  
2 not?

3 A. Yes, I did.

4 Q. And I believe -- it's my understanding anyway, that you  
5 testified as to something that Kenneth had related to you  
6 in a conversation he had with you, is that correct?

7 A. Yes.

8 Q. Can you tell us about this conversation?

9 A. Okay, well first -- one thing that I wanted to say at  
10 the trial but I couldn't -- we were absolutely plastered.

11 Q. Now when did this conversation take place?

12 A. In front -- we were so zonked I don't even know --  
13 it was up -- it was in the winter months in his van,  
14 the more I think about it, you know I was thinking about  
15 it after the trial and everything, and I mean he could have  
16 said just about anything.

17 Q. Now you said the winter months?

18 A. Yeah.

19 Q. When, winter of what year?

20 A. '82, I believe.

21 Q. Winter of '82?

22 A. Let me see -- God -- March, cause I seen him in March  
23 and he knocked a tooth out, I don't really remember what month.

24 Q. Well, I'll back up, what did you testify to at trial, as

**Allied Court Reporters**

1 to what he said to you, what was y

2 A. I said that when he used to ge

3 picked up, he used to tell me he g

4 and I didn't believe him.

5 Q. What else did you say on the witne

6 A. Then I said that he told me he

7 Q. That was your testimony?

8 A. Yeah.

9 Q. And on the stand when did you say

10 A. In the winter months.

11 Q. In the winter months of when, was  
12 the winter before this past winter

13 A. No, the winter before.

14 Q. So would that have been the winter  
15 the winter of '82-'83?

16 A. It wasn't '83, that's for sure  
17 winter, could have been '81, becau  
18 him up for the murder.

19 Q. Do you recall when you had this c

20 A. All I remember, it was in the

21 Q. Do you recall where this conversa

22 A. Now that -- it was either in  
23 his brother's down the road, we

24 Q. Where does his brother live?

**Allied Court Rep**

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1 A. 60 Fairfield.

2 Q. And you live at 15 Fairfield.

3 A. Yeah.

4 Q. Now who owns this van you are talking about?

5 A. Well, I imagine Kenny did.

6 Q. Now, Rosanne, what did he say to you?

7 A. Well really, I mean -- he had mentioned something about  
8 the murder, I thought he said something about killing or  
9 something.

10 Q. Well do you remember him saying, 'I killed her' or words  
11 to that effect.

12 A. Or he could have said, cause there was something else,  
13 I couldn't remember.

14 Q. Well do you know for sure what he did say?

15 A. Well I thought that's what he did say, but the more I  
16 thought about it -- I think he might have said something  
17 else.

18 Q. What might -- had he said?

19 A. Maybe he was just proudly talking about getting picked  
20 up.

21 Q. Well, let me ask you this, do you know for sure what he  
22 said?

23 A. Well let me put it this way, if I'm not sure about what  
24 he said, because we were really plastered -- both of us.

1 Q. When had you started drinking, on that day?

2 A. Early.

3 Q. What time? When did you meet? When did you first see him  
4 that day?

5 A. Figure around six o'clock.

6 Q. At night?

7 A. Yeah, and we bought a big bottle of Southern Comfort.

8 Q. And you say big bottle, how many ounces?

9 A. I'd say a quart.

10 Q. A quart, and did you drink that together?

11 A. Yes, we did.

12 Q. And where did you drink that?

13 A. I, -- well we drank it in the van.

14 Q. Where was the van located?

15 A. Now there, again, I can't really recall. It was either  
16 in front of my house or down the road.

17 Q. Now how many drinks of Southern Comfort did you have?

18 A. You figure we wiped out that whole bottle.

19 Q. You finished that whole bottle?

20 A. We finished the whole bottle.

21 Q. Now did you drink it straight?

22 A. We drank it straight, straight from the bottle.

23 Q. Did you use any ice cubes?

24 A. Nothing.

**Allied Court Reporters**

1 Q. Did you use any water?

2 A. Nothing.

3 Q. You didn't use a mixer?

4 A. Nothing, nothing.

5 Q. Did you have anything else to drink that night?

6 A. I think we had some beer, too.

7 Q. Now, how much beer?

8 A. Ah, about a six-pack.

9 Q. A six-pack each, or did you split a six-pack?

10 A. No, we split it.

11 Q. Do you recall what kind of beer?

12 A. Um, it had to be Miller.

13 Q. Miller, Miller Lite or regular Miller?

14 A. No, regular.

15 Q. Bottles or cans?

16 A. Cans.

17 Q. Did you have anything to smoke that night?

18 A. No.

19 Q. Did you use any kind of narcotics, or any drugs?

20 A. No.

21 Q. And you didn't smoke any marijuana or anything of that  
22 nature?

23 A. No.

24 Q. What time -- do you remember approximately when you finished

United States Department of Justice

1 the Southern Comfort?

2 A. Oh, God -- I have no idea, it was probably around 9.

3 Q. Now did you drink the Southern Comfort first and then go  
4 to the beers, or were you mixing?

5 A. No, we had the beer, then we got the Southern Comfort.

6 MR. DESIMONE. I see, you drank the  
7 beer first, okay.

8 Q. Had you had anything to drink prior to six o'clock that  
9 day?

10 A. No.

11 Q. Now how about Kenny, when you met him at six o'clock, did  
12 he -- could you detect alcohol on his breath?

13 A. Yeah, I think he had been drinking.

14 Q. Was his odor strong?

15 A. Oh, I can't remember that.

16 Q. But you think he had been drinking?

17 A. Oh, yeah.

18 Q. Was there anyone else with you at this time?

19 A. No, nope.

20 Q. So it was just the two of you?

21 A. Yup.

22 Q. And a conversation took place while you were drinking, or  
23 after you were drinking?

24 A. After, well let's say we had practically polished off

Excluded Content Document

1 the bottle.

2 Q. Well did the conversation take place while you were drinking  
3 or after you were drinking, or towards the end of your  
4 drinking?

5 A. Towards the end, I think.

6 Q. Do you recall going anyplace that night. Do you recall  
7 driving that night after you started drinking?

8 A. No, as a matter of fact I don't even know how I got in  
9 my house, I probably crawled up the stairs. But see, like  
10 I said I wasn't -- I wanted to say in court how plastered  
11 we really were.

12 Q. And why weren't you able to say that?

13 A. They said, drink -- say that you were drinking-- it  
14 doesn't sound right.

15 Q. Who said this?

16 A. Um, well, Nancy Taylor.

17 Q. Who is Nancy Taylor?

18 A. The policewoman, from Ayer, Mass.

19 Q. You said they, did anyone else tell you to say?

20 A. Na, Nancy, she said uh, plast -- sounds -- I was plast-  
21 ered -- and I was plastered.

22 Q. So at court you said that you had been drinking?

23 A. Yes.

24 Q. Did you elaborate on that?

~~United States Government~~



1 A. No

2 Q. Now did Kenneth's attorney ask you how many drinks you had  
3 had?

4 A. I don't recall.

5 Q. Did he ask you what you had been drinking?

6 A. I , I think he might have, I'm not sure.

7 Q. Did he ask you whether or not Kenny had been drinking?

8 A. Yeah, oh yeah, yeah.

9 Q. Did he ask you what he had been drinking, and how much he  
10 had been drinking?

11 A. Yeah, I think so, but I don't think he asked me how much  
12 we were drinking.

13 Q. Now, let me ask you this, as you sit here today, do you  
14 know, are you certain, of what Kenneth told you in that  
15 conversation?

16 A. No, no. And I mean I have laid up at night -- you  
17 know.

18 Q. Well at trial, I take it, that you testified that he told  
19 you that night, during the course of this conversation, that  
20 he had killed Kapharina Brow, and that was your testimony,  
21 is that correct?

22 A. Yes, yes.

23 Q. Do you know for sure whether or not he actually said that  
24 to you?

1 A. No, cause the more I thought about it, you know, I'm  
2 saying -- God -- did he really say that to me, cause, like  
3 I had a black out, you know what I'm talking about, when  
4 you drink so much you can be talking, you know.

5 Q. Do you know what he did say to you?

6 A. Well he said something about her.

7 Q. Well, what did he say?

8 A. I had thought he said that, but, I don't know, he could  
9 have been talking about getting picked up for it.

10 Q. So that's what he could have said?

11 A. That's what he could have said.

12 Q. So . . .

13 MRS. PERRY. Let me explain it to  
14 you like this, the D.A. and Nancy Taylor caught up with me  
15 somehow, I don't know how, and they brought me down to the  
16 Providence Police Station and they interrogated me.

17 Q. And when was this?

18 A. Um, just before the trial.

19 Q. This is in 1983, this year?

20 A. Yup, yup.

21 Q. And is that the first time you met either of those ladies?

22 A. Yeah, and um, you know, they showed me pictures of her.

23 Q. Of whom?

24 A. Kapharina Brow.

**Allied Court Reporters**

1 Q. Okay, how many pictures?

2 A. Four, please, that was enough.

3 Q. What else did they show to you or say to you?

4 A. Nancy said like this -- she said uh, 'do you want some-  
5 body like this on the street' ?

6 Q. Somebody like whom?

7 A. Like Kenny.

8 Q. And what did you say in response to that?

9 A. I mean I was completely hysterical.

10 Q. Why were you hysterical?

11 A. Because of the pictures.

12 Q. Yes, but you didn't know Kapharina Brow, did you?

13 A. No.

14 Q. You have never been to Ayer, Massachusetts in your life,  
15 at this time?

16 A. Well, at the trial, then I stayed there for a little  
17 while after.

18 Q. But, prior to this?

19 A. Never.

20 Q. So you did not know this woman?

21 A. No.

22 Q. So why would you get hysterical, looking at some pictures?

23 A. Because they were so gross, I'd never seen nothing like  
24 it in my life.

**Allied Court Reporters**

1 Q. What else happened when you met Nancy Taylor, was Ellie  
2 Fage (Phonetic) there also?

3 A. Yeah.

4 Q. What else happened when you met them, did they say any-  
5 thing else to you?

6 A. Um, I kept telling them, look I don't really remember,  
7 I don't really remember.

8 Q. Don't remember what?

9 A. What he had said.

10 Q. You mean when you had met them, prior to the trial, they  
11 had asked you whether or not he had ever said something  
12 to you about Kapharina Brow?

13 A. Oh, he -- uh, I know --you know -- um, ...

14 Q. When they questioned you, what did they ask you? Did they  
15 ask you whether or not he had ever -- whether or not Kenny  
16 had ever talked about this woman, Kaphrina Brow?

17 A. Yeah.

18 Q. And what did you tell them?

19 A. I told them yeah, I says that he told me he got picked  
20 up for -- it -- in Ayer.

21 Q. And what else did you tell them?

22 A. That was the first time, they came to my house and they  
23 met me down at...

24 Q. So this is the second time?

**Affidavit of the Court Reporter**

1 A. Yeah, that's when they showed me the pictures, and I  
2 mean, it just..

3 Q. So the first time they didn't bring the pictures with them?

4 A. No.

5 Q. And the second time they did bring the pictures with them?

6 A. Yeah, and I mean it just..

7 Q. So the second time, what did they say when they came down  
8 the second time?

9 A. You know, they -- they -- God -- it was mostly Nancy  
10 you know, Rosanna we know you know something, she told me  
11 she said, 'I know you know something that your not telling  
12 us', like I felt like I was being, you know.

13 Q. What did you say in response to that?

14 A. Really I kept saying, you know -- no.

15 Q. So what did she say?

16 A. Then they showed me the pictures.

17 Q. And then what?

18 A. I went hysterical.

19 Q. Then after you went hysterical, did Nancy Taylor ask you  
20 any more questions?

21 A. Uh, no then she apologized and I told her --well he did  
22 call her an F'n, German bitch.

23 Q. Who did?

24 A. Kenny.

Added Court Reporter

1 Q. When?

2 A. Um, I think it was that night.

3 Q. He called her an F'n German bitch?

4 A. Yeah, or it could have been any time, though. I think  
5 it was that night, like I said I couldn't get it out at the  
6 trial how plastered I was.

7 Q. So you don't know whether or not he called her an F'n  
8 German bitch that night, that you had been drinking with  
9 him?

10 A. Right.

11 Q. It might have been some other time?

12 A. It could have been some other time when we were drink-  
13 ing.

14 Q. Look, do you recall having any other conversations with  
15 him about Kapharina Brow?

16 A.. Just in 1980, and I guess that I must have met him after  
17 they had picked him up for it, and he told me that, you  
18 know, about, you know, getting picked up for murder, and I  
19 never believed him until I read it in the paper, when they  
20 arrested him in '82.

21 Q. So you never believed he did it?

22 A. No.

23 Q. You thought he was just being ...

24 A. I thought he was just pulling my leg, cause Kenny when

Attest Court Reporter

1 he gets drunk, Kenny is so full of stories.

2 Q. Does he brag, a lot?

3 A. Oh, geeze, yeah.

4 Q. Does he puff himself up a little bit, when he gets drunk?

5 A. Yeah, definitely.

6 Q. So getting back to the second time you had met Nancy Taylor,  
7 and Ellie Fage (Phonetic), did they continue to ask you  
8 about what he -- Waters -- might have said to you?

9 A. Yeah.

10 Q. What did you tell them?

11 A. I said that he killed her.

12 Q. Well why did you say that?

13 A. I was under a lot of pressure.

14 Q. From whom?

15 A. In that room.

16 Q. From whom?

17 A. Well let's put it this way, when you see pictures like  
18 that, and Nancy say's, you know, 'do you want him out on  
19 the streets,' the pictures were totally gross.

20 Q. Well how do you know that he killed her?

21 A. I don't know.

22 Q. Did you know at that time?

23 A. Well, then I thought -- God -- did he do this?

24 Q. But aside from the pictures, what other evidence did you

ATTORNEY GENERAL

1 have that he did that, that he killed her?

2 A. All that I remember is him saying something that night  
3 but he could have been bragging again, about getting picked  
4 up for killing somebody.

5 Q. This is the night you were drinking?

6 A. Yeah, cause Kenny when he gets drunk, he used to love to  
7 brag.

8 Q. Well that second night -- the second time you met -- these  
9 people from Ayer, Massachusetts, Nancy Taylor and Ellie Fage  
10 (Phonetic)...

11 MRS. PERRY. But I told them...

12 Q. Did you tell them that time that he had -- as you did in  
13 court -- that he had once told you that he had killed her?

14 A. Yeah, but I told them that night he had (Inaudible)  
15 that I didn't remember.

16 Q. So the second time that you met with them, you told them  
17 that you didn't remember exactly what he had said to you?

18 A. I don't recall, really.

19 Q. Well what did you tell them in regard to what Kenny told you?

20 A. I said that, uh, yeah, he told me he killed her.

21 Q. That's what you told them, the police officer from Ayer?

22 A. Yeah.

23 Q. But I thought you just told me that you told them that you  
24 weren't sure of what he had told you?

ALLIED COURT REPORTERS



1 A. I told them like this, I says I can't -- I says --  
2 there was something else said, but I can't remember, and  
3 he could have been saying about he got picked up for killing  
4 somebody, and that's honestly what I believe he did say.

5 Q. What do you honestly believe he did say?

6 A. I honestly believe that he said he got picked up for  
7 killing, that's what I really believe.

8 Q. And that's all he said is that? Well, do you believe he said  
9 to you 'I killed that bitch,' or 'that German bitch,' or do you  
10 believe he said to you, 'I got picked up for murder'.

11 A. I, I think, I believe that he said that he got picked  
12 up.

13 Q. And that's it?

14 A. Yeah, I mean, we was just so absolutely plastered, I  
15 mean, I don't even remember going into my own house, like I  
16 said, I probably crawled in.

17 Q. Do you remember what time you got home that night?

18 A. I have no idea.

19 Q. Do you remember what you did that night other than drink?

20 A. I have no idea.

21 Q. Do you remember if you went anyplace, after?

22 A. I have no idea.

23 Q. Do you remember if you saw any other people that night?

24 A. Nope, that's how gone we were.

**Alfred Carter Report**

1 Q. Do you recall if you watched TV that night?

2 A. Nope, we were in his van drinking.

3 Q. Did you listen to the radio?

4 A. I think we had the radio on, yeah I think we did have  
5 the radio on, like I said I blacked out, I mean I -- when  
6 you black out, you could be walking, you could be talking,  
7 but have completely no memory whatsoever.

8 Q. Rosanne, I haven't seen a transcript of the trial, but I  
9 understand there were some -- you testified that the --  
10 at trial -- that the reason you didn't come forward with  
11 this information earlier, was that you were afraid of him,  
12 was that your testimony at trial?

13 A. When I read about it in the paper, I mean I didn't come  
14 forward, um, about him telling me about him getting picked  
15 up, or about what I thought he had said that night, really  
16 personally, I didn't even want to get involved.

17 Q. Well, were you afraid of him, because of this conversation?

18 A. Well after he knocked my tooth out, I was a little wor-  
19 ried about him.

20 Q. Well when did he knock your tooth out?

21 A. I think it was in March.

22 Q. March of when?

23 A. 1982, I believe.

24 Q. Were you afraid of him because of this conversation you had

1 with him, while you were drinking with him?

2 A. No, -- I can't really say, cause I seen him after that  
3 too.

4 Q. How many times did you see him after that?

5 A. A few.

6 Q. How many teeth did he knock out?

7 A. Well, let me see -- two plus two -- you know they were  
8 they had ...

9 Q. So it was four?

10 A. Yeah.

11 Q. How did he do that?

12 A. He punched me.

13 Q. This was in March of '82?

14 A. Yeah, we had -- well I was fighting with his brother  
15 Jackie --

16 Q. Well how did this start?

17 A. (Inaudible)

18 Q. What sparked it?

19 A. Um, friends of their's were doing something to a --  
20 elderly friend of mine.

21 Q. Friends of theirs?

22 A. Yeah.

23 Q. Well how did that cause a fight between you and Kenny?

24 A. Well I , I was drunk and as soon as I seen Jackie

Alfred Court Reporter

1 walk to the bar, oh I hummed at him.

2 Q. And?

3 A. And Kenny went Ba-boom.

4 Q. Now, this conversation that you had in the van or you were  
5 drinking, its the subject of what we have been talking about,  
6 you said it happened in the winter months?

7 A. Yeah.

8 Q. Do you recall, I am going to ask you again do you recall  
9 when exactly, which winter?

10 A. No.

11 Q. This winter?

12 A. Oh, no, not this winter.

13 Q. So it was last winter, the winter of '81-'82. In other words,  
14 we -- its summer of '83 right now -- and we just have gone  
15 through the spring of '83 and the winter of '82-'83.

16 A. All right it had to be '81 then.

17 Q. The winter of '81-'82? Was it before or after Christmas?

18 A. Um, I believe it was before Christmas.

19 Q. So it would have to be December of '81?

20 A. It could have been, yeah.

21 MRS. PERRY. Like I said that night,  
22 we were absolutely gone, and if you want, you know, like I  
23 wasn't allowed to -- um -- read the papers and stuff.

24 Q. Read what papers?

1 A. About what was being said.

2 Q. Let me ask you this; you told me earlier -- that -- was it  
3 Nancy Taylor or Ellie Fage told you to say you were drink-  
4 ing, not to say plastered?

5 A. Nancy.

6 Q. Nancy, did she tell you anything else with regard to your  
7 testimony, with regard to what you were going to say on the  
8 stand?

9 A. Um, she really, you know, was really stressed about the  
10 drinking bit.

11 Q. You mean she stressed that you say drinking and not plaster-  
12 ed?

13 A. Yeah.

14 Q. Did she say anything else?

15 A. I don't even recall.

16 Q. Did she tell you what was important and what was not impor-  
17 tant, with regard to your testimony?

18 A. Well I know one thing, she was convinced he did it.

19 Q. That's not the question, though. Did she -- tell -- did  
20 she give you any instructions as to what you were supposed  
21 to say on the witness stand?

22 A. Oh, yeah about the drinking.

23 Q. Anything else?

24 A. Um, I can't recall.

Attled Court Reporter

1 Q. How about Ellie Fage?

2 A. Nah.

3 Q. Have you ever met Brenda Marsh?

4 A. Oh I know Brenda Marsh now.

5 Q. When did you meet Brenda Marsh?

6 A. I met Brenda Marsh at the trial.

7 Q. Before or after you testified?

8 A. Before.

9 Q. Who introduced you to Brenda Marsh?

10 A. Let me see, what happened -- we were supposed to be kept  
11 away from each other, and I wasn't through testifying and  
12 Brenda wasn't through testifying neither, and I met her down  
13 in the D.A.'s Office, I believe in that, yeah.

14 Q. Was it an accidental meeting? Were any of the D.A.'s or  
15 police officers with you?

16 A. Oh no, -- Ellie wasn't -- no, I think Nancy was.

17 Q. And did you talk to Brenda Marsh?

18 A. Oh yeah, we talked.

19 Q. And what did she say?

20 A. Oh, she was just telling me about what they said in the  
21 trial.

22 Q. What who said in the trial?

23 A. What Kenny's lawyer was saying about finding maggots or  
24 something, and stuff like that.

**Allied Court Reporters**

1 Q. When you talked to Brenda, had she started testifying at  
2 that time?

3 A. Yeah.

4 Q. So she had ...

5 MRS. PERRY. Cause when I met her she  
6 was, like, (Witness indicating).

7 Q. Well, what do you mean by that?

8 A. Oh, she was shaking all over -- and everything.

9 Q. Did she tell you what -- anything -- with regard to what  
10 she had said -- what she had testified to on the stand, or  
11 what questions they were asking of her?

12 A. Questions, yeah, like -- about the baby.

13 Q. What baby?

14 A. You know -- her -- her -- you know -- I don't know which  
15 child, he said, uh, Kenny's lawyer saying about finding  
16 maggots in the diaper, and stuff.

17 Q. Did she tell you anything else with regard to what she had  
18 testified to on the stand?

19 A. Oh God, my memory is gone -- um, she probably did,  
20 sure, she probably did -- I'd have to think on it, really.  
21 I know that she didn't even wanna testify.

22 Q. How do you know that?

23 A. She told me.

24 Q. And what did she say?

Attled Court Reporter

1 A. You know, she said it all happened because of her boy-  
2 friend, that all of this happened.

3 Q. All of what happened?

4 A. That Kenny being picked up, and, she says that her --  
5 she had mentioned something to her boyfriend, and her boy-  
6 friend wanted money. And supposedly he was promised money.

7 Q. What was her boyfriend's name?

8 A. I have no idea, I have no idea. I know she is still  
9 living with him, or he is still living with her, but that's  
10 how all of it came about.

11 Q. Why was he promised money?

12 A. If he -- from what I understood -- that, you know, from  
13 what, about Kenny...

14 Q. Well who promised him money, according to Brenda?

15 A. He was looking for money, I guess from Nancy or somebody.

16 Q. Well Brenda said her boyfriend, what?

17 A. Called the D.A., or called the police, but he wanted  
18 money.

19 Q. Brenda said that her boyfriend told the police he wanted  
20 money?

21 A. Yes, that's what she told me.

22 Q. Well, with relation to what?

23 A. About Kenny.

24 Q. Did Brenda say what the police response to this request was?

Added Court Reporter



1 A. No

2 Q. Did she elaborate on it any further?

3 A. Oh, she was pissed.

4 Q. At whom?

5 A. Him, she told me -- she says -- Rosanna, she says, she  
6 says, 'I don't even like to look at him, anymore.'

7 Q. She is still going out with him?

8 A. Yeah, she still with him.

9 Q. Rosanna, getting back to the question, as to when this con-  
10 versation with Kenny took place, we will use Christmas --  
11 New Years as a point of reference, is there anything else  
12 that can be used as a point of reference to more or less  
13 pin down when the conversation took place? Did something--  
14 was there anything that happened that you could remember before  
15 or after this conversation took place?

16 A. Yeah, my face.

17 Q. Okay, now what happened with your face?

18 A. Uh, Jackie's wife pushed me down the stairs, and I hit  
19 the (Inaudible)

20 Q. Now Jackie is Jackie Waters?

21 A. Yeah.

22 Q. And you were seeing Jackie Waters at this time?

23 A. Yeah.

24 Q. Do you recall when you went out with Jackie Waters?

**Allied Court Reporters**

1 A. Yeah, July of '81, I believe. I went with him for  
2 awhile.

3 Q. And when did you break up with him?

4 A. Shortly after this (Witness indicating)

5 Q. Shortly after the thing with your eye happened?

6 A. Yeah.

7 Q. Well do you know how long you went out with him, half a  
8 year?

9 A. About four months.

10 Q. About four months. What exactly happened to your eye, why  
11 don't you go into that in a little further detail?

12 A. Okay, well Pam came to the house.

13 Q. Okay, who is Pam?

14 A. Pam Waters.

15 Q. Is that Jackie's wife?

16 A. Wife.

17 MR. DESIMONE. See I don't know  
18 Jackie, that's why.

19 MRS. PERRY. Oh, and she wanted  
20 Jackie to make a choice, between me and her, and I didn't  
21 really didn't want to hear it.

22 Q. So what happened?

23 A. So, anyways, I went with her, and -- I was zonked.

24 Q. You were drunk at that time, also, or you had been drinking?

1 A. Yeah, and me and him were leaving the house, and I  
2 felt a hand on my back, and I turned around and I seen her  
3 standing there. I don't remember nothing after that.

4 Q. What happened, you got pushed?

5 A. Yeah, she pushed me.

6 Q. Down the stairs?

7 A. Yeah, and I hit his van.

8 Q. Now do you recall when this was, was this sometime in 1981?

9 A. Yeah, I think so.

10 Q. You said you started going out with him in July of '81?

11 A. Yeah, and I got a calendar at home that I keep.

12 Q. Was this in the Fall of '81?

13 A. No.

14 Q. Winter of '81?

15 A. Before October.

16 Q. Before October of '81?

17 A. Yeah, I'd have to look at my hospital bills.

18 Q. You went to the hospital?

19 A. Yeah.

20 Q. And do you recall what hospital you went to?

21 A. Yeah, Cranston General.

22 Q. And what did they do for you at the Cranston General?

23 A. Oh, they wouldn't touch me until the next morning.

24 Q. What happened?

1 A. They had a plastic surgeon there and some other doctors.

2 Q. So they performed plastic surgery at Cranston General?

3 A. Yeah, and I had to go back again.

4 Q. And when were you discharged from the hospital?

5 A. Uh, that morning after they did it.

6 Q. Did you have to go as an out-patient?

7 A. Oh, yeah.

8 Q. For how much longer?

9 A. While.

10 MRS. PERRY. Matter of fact, I just  
11 had plastic surgery done on it again last year, last summer.

12 Q. Now you say, this conversation with Kennern took place after  
13 this happened to your eye?

14 A. Um-hum.

15 Q. After this incident with Jackie Water's wife?

16 A. Um-hum.

17 Q. Do you recall how long after?

18 A. It was in the winter, God I wish I could remember.

19 Q. A couple of months after this happened?

20 A. Could have been in December.

21 Q. So this would be in 1981?

22 A. Yeah, yeah.

23 Q. Now do you have any bills from the hospital?

24 A. Yes, I do.

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1 Q. Indicating when you went into the hospital for the first  
2 time, or when were you discharged?

3 A. Yeah, I do.

4 Q. Could you get those for me?

5 A. Yes, I will.

6 Q. Maybe you could run off a copy and give them to, perhaps  
7 Carolyn Waters, or just send them to me?

8 A. Uh-huh.

9

10 (Side 1 of Tape 1 Ended)

11

12

13

14

15

16 This Testimony was typed from a cassette recording  
17 to the best of my ability.

18

19

Donna Iacobbo  
Allied Typing Service  
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